

**DWD Equal Opportunity Unit**  
**NONCOMPLIANCE with Section 188 of WIOA**  
**CORRECTIVE ACTION AND SANCTION GUIDANCE/TOOL**

Whenever a compliance review report, complaint, or any other information indicates a possible failure to comply with 29 CFR Part 38, the State's Nondiscrimination Plan, or DWD Issuances relating to nondiscrimination or equal opportunity, DWD will conduct analysis and review to determine whether a true violation exists. If the determination of non-compliance is made during an EO monitoring review, the State EO Officer will make every effort to provide onsite technical assistance. Corrective actions will be part of the EO monitoring report. The recipient will then have thirty (30) days from the date of receiving the report to respond to the findings and correct any violations identified. EO Staff will follow-up within thirty (30) days of the recipient's response to ensure that corrective action has occurred. DWD may grant extensions for good cause.

When EO violations are found during the course of a discrimination complaint investigation, those issues will become part of the State EO Officer's findings of fact. Depending on the extent and severity of the violations, technical and programmatic corrective actions may be recommended. Corrective action may also include "make-whole" provisions such as retroactive relief (e.g., back wages or benefits) and prospective relief (e.g., change of policy). A response must include assurances and/or a plan to attain compliance within thirty (30) days of the issuance of an investigative report. State EO staff will follow-up and monitor the corrective action within thirty (30) days. DWD may grant extensions for good cause. A lack of response to findings of noncompliance or a failure to implement corrective actions promised in a recipient's response will result in a Notice to Show Cause why enforcement proceedings or sanctions should not begin. The corrective action required and the ways to correct the noncompliance will be part of the Notice. The recipient will then have thirty (30) days to respond to the Notice.

A partial response or lack of response to the Notice to Show Cause will be elevated to the Governor of Missouri for determination of appropriate sanctions. Sanctions may include, but are not limited to, reparation for discriminatory practices, establishment of policy issuance, removal of participants from sites refusing to implement corrective actions, and legal action.

AREA OF NONCOMPLIANCE	CORRECTIVE ACTION	PRE-SANCTION AND SANCTION
<b>1. PRACTICES AND POLICIES</b>  A. Policies or procedures which discriminate, or have the effect of excluding identifiable groups of individuals or denying the administration of benefits, participation in, employment, or other activities in connection with WIOA.	1. Technical Assistance.  2. Elimination or modification of policies, practices and procedures which have been found to be discriminatory within a time period specific by the State's procedures.	1. Warning of non-compliance.  2. Recommendation of reduction of funding.  3. Reduction of funding.

B. Programs, activities, or services that are inaccessible to disabled or limited English-speaking individuals.	<ol style="list-style-type: none"> <li>1. Technical Assistance.</li> <li>2. Identification of inaccessible features, and modification of inaccessible features, within time frame specified by the State's procedures.</li> </ol>	<ol style="list-style-type: none"> <li>1. Warning of non-compliance.</li> <li>2. Reduction of funding.</li> <li>3. Disallowance of costs in inaccessible programs, activities, or services.</li> <li>4. Elimination of funding.</li> </ol>
C. Non-existent, incomplete, or inadequate accessibility assessment tool on file as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.	<ol style="list-style-type: none"> <li>1. Acquisition of technical assistance materials.</li> <li>2. Production of such a document within a time period specified by the State's procedures.</li> </ol>	<ol style="list-style-type: none"> <li>1. Warning of non-compliance.</li> <li>2. Reduction of funding.</li> </ol>
D. Policies, practices, or procedures which are not in compliance with Section 188, 29 CFR 38, or other civil rights legislation.	<ol style="list-style-type: none"> <li>1. Acquisition of technical assistance materials.</li> </ol> <p>Prompt modification or elimination of non-complaint policies, practices, and procedures within a time specified by the State's procedures.</p>	<ol style="list-style-type: none"> <li>1.Warning of non-compliance.</li> <li>2.Reduction of funding.</li> <li>3.Elimination of funding.</li> </ol>
<b>AREA OF NONCOMPLIANCE</b>	<b>CORRECTIVE ACTION</b>	<b>PRE-SANCTION AND SANCTION</b>
E. Non-existence of a staff. analysis by race, sex, and age.	<ol style="list-style-type: none"> <li>1. Completion of staff analysis within 30 days of receipt of non-compliance.</li> </ol>	<ol style="list-style-type: none"> <li>1. Warning of noncompliance.</li> <li>2. Recommendation of reduction of funding.</li> <li>3. Reduction of funding.</li> </ol>
<b>II. ADMINISTRATIVE DUTIES</b>		
A. Lack of implementation of procedure for resolving complaints alleging a violation of the WIOA, or relating to terms and conditions of employment.	<ol style="list-style-type: none"> <li>1. Obtain technical assistance, and take necessary steps to achieve compliance.</li> </ol>	<ol style="list-style-type: none"> <li>1.Warning of non-compliance.</li> <li>2.Terminate federal financial assistance.</li> </ol>

<p>B. Service provider complaint procedures which are not in compliance with 29 CFR 38.</p>	<p>1. Obtain technical assistance and take necessary steps to achieve compliance.</p>	<p>1. Warning of noncompliance. 2. Suspension of federal financial assistance. 3. Discontinue federal financial assistance.</p>
<p>C. Failure to comply with equal opportunity directives issued by the State EO officer, as his/she designee, and with applicable laws and regulations.</p>	<p>1. Take prompt/immediate actions to comply within a time frame specified in the by the State WIOA EO Officer and DWD procedures.</p>	<p>1. Warning of non-compliance. 2. Discontinue federal assistance</p>
<p>D. Failure to carryout oversight responsibilities by monitoring equitable service performance of its subcontractors.</p>	<p>1. Require immediate implementation of oversight and written report of the results to the State WIOA EO office within 3 months of the receipt of report of noncompliance.</p>	<p>1. Warning of non-compliance. 2. Discontinue federal assistance.</p>